

Court of Appeals, State of Michigan

ORDER

People of MI v Mark Anthony Prater

Docket No. 278122

LC Nos. 06-003866-FH

Brian K. Zahra
Presiding Judge

Helene N. White

Kurtis T. Wilder
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting defendant's delayed application for leave to appeal, the Court orders that the portion of the judgment of sentence requiring defendant to reimburse the county \$400 for the fees of appointed counsel is VACATED. The circuit court lacked authority to require defendant to repay the costs of court-appointed counsel as part of the sentence imposed. *People v Dunbar*, 264 Mich App 240, 255-256 n 15; 690 NW2d 476 (2004). The matter is REMANDED to the circuit court to reconsider its decision to order reimbursement in light of defendant's current and future financial circumstances and the constitutional principles espoused in *Dunbar*. If the trial court determines that reimbursement is appropriate, it should establish the terms of repayment in a separate order. *Id.* at 256.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUN 27 2007

Date

Sandra Schultz Mengel
Chief Clerk